

Order

Michigan Supreme Court
Lansing, Michigan

May 27, 2014

Robert P. Young, Jr.,
Chief Justice

148139 & (17)

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 148139
COA: 316745
Wayne CC: 12-007026-FC

SHAMAZZ FOSTER,
Defendant-Appellant.

By order of March 28, 2014, the prosecuting attorney was directed to answer the application for leave to appeal the November 6, 2013 order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE only the defendant's two sentences for second-degree criminal sexual conduct, and we REMAND this case to the Wayne Circuit Court for resentencing on those two convictions. The trial court was without authority to impose a maximum sentence other than that provided by law. MCL 769.8(1); MCL 750.520c(2).



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 27, 2014


Clerk